## UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA	Case No. 1:03-cr-118-SEB-MJD-01
v. DAVID LYNN MOORE	ORDER ON MOTION FOR SENTENCE REDUCTION UNDER 18 U.S.C. § 3582(c)(1)(A) (COMPASSIONATE RELEASE)
Upon motion of $\boxtimes$ the defendant $\square$ the Dire	ector of the Bureau of Prisons for a reduction
in sentence under 18 U.S.C. § 3582(c)(1)(A), and aft	er considering the applicable factors provided
in 18 U.S.C. § 3553(a) and the applicable policy state	ements issued by the Sentencing Commission
IT IS ORDERED that the motion is:	
☐ DENIED.	
☑ DENIED WITHOUT PREJUDICE.	
□ OTHER:	
⊠ FACTORS CONSIDERED: See attached opinion	n.

IT IS SO ORDERED.

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)
Plaintiff,	)
v.	) No. 1:03-cr-00118-SEB-MJD
DAVID LYNN MOORE,	) -01
Defendant.	)

## **ORDER**

Defendant has filed a motion seeking compassionate release. Dkt. 3. He seeks immediate release from incarceration. He argues that "extraordinary and compelling reasons" support his release within the meaning of 18 U.S.C. § 3582(c)(1)(A)(i) because he has various medical conditions that place him at risk of having a severe illness if infected with COVID-19 and he cannot adequately protect himself from being infected while incarcerated. *See, e.g.*, dkt. 13.

After Defendant's motion became ripe, the U.S. Court of Appeals issued its opinion in *United States v. Broadfield*, 5 F.4th 801 (7th Cir. 2021). Based on the rationale of *Broadfield*, the Court then ordered Defendant to show cause why his motion for compassionate release should not be denied because the COVID-19 pandemic no longer presents an extraordinary and compelling reason for his release. Dkt. 18. The Court warned Defendant that it would deem his motion abandoned and deny it without prejudice if he failed to respond as required by the Order. *Id.* The deadline for responding to the Court's show-cause Order has now passed. *See* dkt. 20. As of the writing of this Order, Defendant has not filed the required response.

Accordingly, Defendant's motion for compassionate release, dkt. [3], is deemed abandoned and **denied without prejudice**. Nothing in this Order prevents Defendant from filing another motion for compassionate release.

IT IS SO ORDERED.

Date:	9/20/2021	Taral Evens Barker

SARAH EVANS BARKER, JUDGE United States District Court Southern District of Indiana

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